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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,202	02/05/2001	Takeshi Takeda	TAKEDA 11	1656

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EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
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2682

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DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,202

Applicant(s)

TAKEDA, TAKESHI

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claims 2 – 5 are rejected for the same reason.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimasa (JP3050147-U).

Regarding claim 1, Yoshimasa teaches a mobile telephone unit (Fig. 1) characterized in that: speaker, through which a user listens for a received voice sound, can be separated from a main body of said mobile telephone unit by means of an earphone; and, said earphone (Fig. 2, 6A) is equipped with bone-conduction answering apparatus (Paragraph 0005 - 0007).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimasa in view of Blonder (US 5,239,521).

Regarding claim 2, Yoshimasa teaches a mobile telephone. However, Yoshimasa fails to teach a said main body of said mobile communication unit is mounted on an inner side of a user's wrist by means of a band and the like. In contrast, Blonder teaches a wrist telephone mounted on a user's wrist (Fig. 4) by means of a strap (Col. 2, line 33 – 37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Blonder to Yoshimasa to provide a private telephone conversation without removal of the telephone device from the user's wrist.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimasa in view of Liautaud (4,322,585).

Regarding claim 3, Yoshimasa teaches a mobile telephone. However, Yoshimasa fails to teach a finger-mounted portion, provided in a rear surface of a

vibrating portion of said bone conduction speaker, wherein said finger-mounted portion of said bone conduction speaker assumes a cap shape or a ring shape; and, said bone conduction speaker is mounted on a finger tip of the user through said finger-mounted portion thereof. In contrast, Liautaud teaches a bone conduction speaker unit that can be mounted inside the collar of a shirt (Fig. 7), thus if a coat is worn the speaker units will be pressed against the body of the user to permit mechanical sound transmission to the inner ear of the user via his bones through the bone conducting speaker (Col. 3, line 4 – 16). Therefore, it would have been obvious to one of ordinary skill in the art to provide the teaching of Liautaud to Yoshimasa to provide a personal electronic sound system which is attractive, light in weight, and permits simultaneous listening by two individuals in close proximity to one another, yet without interfering with other individuals in the surrounding area.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimasa in view of Furuno (US 5,724,667).

Regarding claim 4, Yoshimasa teaches a mobile telephone with an electric connecting cord for connecting said bone conduction speaker with said main body of said mobile telephone. However, Yoshimasa fails to teach that the conduction speaker unit is withdrawn into said main body of said mobile communication unit by means of a take-up reel and like means. In contrast, Furuno teaches a connecting cord for connecting an earphone with a main body

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of a mobile phone (Fig. 2, 29) is withdrawn into said main body of said mobile phone by means of a take-up reel (Col. 3, line 19 – 24). Therefore, it would have been obvious to one of ordinary skill in the art to provide the teaching of Furuno to Yoshimasa to design an apparatus that by taking out the transducer from the main body of the telephone set or pulling out the cord from the main body will automatically switch the telephone to an off-hook state making it possible to provide a portable telephone having excellent operability.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimasa in view of Atsushi (JP8-9006-A).

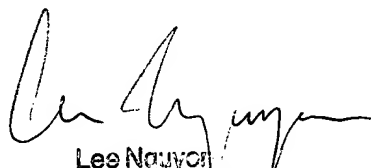
Regarding claim 5, Yoshimasa fails to teach a clip is provided in a rear side of said main body of said mobile communication unit; and, said clip enables said main body of said mobile communication unit to be mounted on a band of a wrist watch of the user. However, Atsushi teaches guide holes (Fig. 2, 17) provided on the sides of said main body of said cordless telephone mobile unit; and, said guide holes enables said main body of said cordless telephone mobile unit to be mounted on a band of a wrist watch of the user (Paragraph 0009). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Atsushi to Yoshimasa to create a cordless telephone device with excellent portability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Un C Cho *VC*
Examiner
Art Unit 2682


Lee Nguyen
Primary Examiner